

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOSEPH DOWNING, JR.,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No.: 2:22-cv-02175-CDS-EJY

**Order**

Before the Court is Plaintiff's Motion to Extend Time and to Compel signed by Plaintiff on March 27, 2023, and filed on March 29, 2023. ECF No. 6. The Court notes that the Motion filed at ECF No. 7 duplicates ECF No. 6. Also before the Court is Plaintiff's second incomplete *in forma pauperis* ("IFP") application. ECF No. 8. Plaintiff fails to include his financial certificate and inmate trust fund account statement for the previous six-month period. *Id.*

Plaintiff seeks an extension of time to submit his financial certificates. ECF No. 6 at 2. Plaintiff alleges he sent prison officials a request for his financial certificates, but that the "law library ... takes 1-4 months" to complete the forms. *Id.* Plaintiff also asks the Court to compel prison officials to produce his financial certificates. *Id.*

The Court grants Plaintiff's Motion to Extend Time until May 12, 2023, to either (1) pay the full \$402 filing fee, or (2) file a completed financial certificate and a copy of his inmate trust fund account statement for the previous six-month period. However, the Court denies Plaintiff's Motion to Compel prison officials to produce his financial certificates as the extension should provide sufficient time for the law library to provide Plaintiff the completed forms he needs

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Extension of Time (ECF No. 6) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion filed at ECF No. 7 is DENIED as moot and duplicative.\

1 IT IS FURTHER ORDERED that on or before **May 12, 2023**, Plaintiff **must** either pay  
2 the \$402 filing fee, or file a completed financial certificate and a copy of his inmate trust fund  
3 account statement for the previous six-month period.

4 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved  
5 form application to proceed *in forma pauperis* for an inmate and instructions for the same.

6 IT IS FURTHER ORDERED that if Plaintiff fails to comply with this Order, may result in  
7 a recommendation to dismiss this matter without prejudice.

8 Dated this 3rd day of April, 2023.

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11 ELAYNA J. YOUCHAN  
12 UNITED STATES MAGISTRATE JUDGE  
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